

REMARKS

Reconsideration of the above-identified application in view of the foregoing amendments and following remarks is respectfully requested.

A. Claim Status / Explanation of Amendments

Claims 1-21 are pending of which claims 1-4, 6-13, 15-17, and 19-21 were rejected while claims 5, 14, and 21 were objected to and claim 18 is allowed. At the outset, the indication of allowable subject matter in claims 5, 14, and 18 is acknowledged with appreciation. From among these, claims 5 and 14 were not rejected, but were merely objected as being dependent on rejected base claims. Claim 21 is objected under 37 C.F.R. § 1.75(c) as allegedly being of improper dependent form for failing to further limit the subject matter of a previous claim. [11/19/07 Office Action, p. 2]. Applicant has amended claim 21 to depend from the method of claim 18 instead of the apparatus of claim 1 and has corrected claim 21 for antecedent basis.

As to matters of form, claims 6-8 and 15-17 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. More specifically, the Office Action contends that the phrase "output property ... better than..." in claims 6 and 15 is relative and renders the claim indefinite.¹ [11/19/07 Office Action, p. 3]. By this paper, claims 6 and 15 are amended to recite the limitation pertaining to a "storage battery with a low temperature power output which is better than..." Accordingly, claims 6 and 15 as well as dependent claims 7-8 and 16-17 are now respectfully asserted to be in condition for allowance.

As to the merits, claims 1-4 and 19-21 were rejected pursuant to 35 U.S.C. § 102(b) as allegedly being anticipated by Japanese Patent Application No. JP 63-091967 to Katsumoto, et

¹ Although the Office Action indicates that the phrase "output property ... better than" is listed as being in claims 5 and 14, Applicant assumes the Office Action is actually referring to claims 6 and 15.

al. ("Katsumoto"). [11/19/07 Office Action, p. 4]. Claims 1-3, 9-10, and 19-21 were rejected pursuant to 35 U.S.C. § 103(a) as allegedly being unpatentable over French Patent Application No. FR 2813994 to Gerard, et al. ("Gerard") in view of Japanese Patent Application No. JP 11-301285 to Kawamura ("Kawamura") and further in view of Katsumoto. [11/19/07 Office Action, p. 6]. Claims 1-4, 9-13, and 19-21 are rejected pursuant to 35 U.S.C. § 103(a) as allegedly being unpatentable over Gerard in view of U.S. Patent No. 6,293,388 to Young ("Young") and Katsumoto. [11/19/07 Office Action, p. 10].

By this paper, claims 1, 6, 10, 15, and 19 are amended while claims 4-5 and 13-14 are canceled without prejudice or disclaimer. Applicant reserves the right to pursue canceled claims in a continuing application. Claims 1, 10, and 19 are amended to incorporate the limitations presented in allowed claims 5 and 14. Claims 6 and 15 are amended to depend from claims 1 and 10 instead of canceled claims 5 and 14, respectively.

No new matter will be introduced into this application by entry of these amendments. Entry is respectfully requested.

B. Informal Matters

Since independent claims 1, 10, and 19 have been rewritten to include the limitations of allowed claims 5 and 14, the Office Action's rejection of claims 1 and 19 as allegedly being anticipated by Katsumoto and of claims 1, 10, and 19 as allegedly being obvious over Gerard in view of Kawamura or Young and further in view of Katsumoto is respectfully asserted to be moot. Since claims 2-3, 9, 11-13, and 20-21 depend either directly or indirectly from claims 1, 10, and 19, respectively, they are also asserted to be in condition for allowance. Accordingly, Applicant submits that all of the pending claims are now allowable and early, favorable action in that regard is respectfully requested.

Applicant has chosen in the interest of expediting prosecution of this patent application to distinguish the cited documents from the pending claims as set forth above. These statements should not be regarded in any way as admissions that the cited documents are, in fact, prior art. Finally, Applicant has not specifically addressed the rejections of the dependent claims. Applicant respectfully submit that the independent claims, from which they depend, are in condition for allowance as set forth above. Accordingly, the dependent claims are also in condition for allowance. Applicant, however, reserves the right to address such rejections of the dependent claims in the future as appropriate.


CONCLUSION

For the above-stated reasons, this application is respectfully asserted to be in condition for allowance. An early and favorable examination on the merits is earnestly solicited. In the event that a telephone conference would facilitate the examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES WHICH MAY BE REQUIRED FOR THE TIMELY CONSIDERATION OF THIS AMENDMENT UNDER 37 C.F.R. §§ 1.16 AND 1.17, OR CREDIT ANY OVERPAYMENT TO DEPOSIT ACCOUNT NO. 13-4500, ORDER NO. 5000-5163.

Respectfully submitted,
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